

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------------------------------|---|----------------------------------|
| Ms. Norma L. Cooke, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 15-cv-00817 |
| v. |) | |
| |) | Hon. Ruben Castillo |
| Jackson National Life Insurance Company |) | |
| (successor to Southwestern |) | Hon. Mary M. Rowland, Magistrate |
| Life Insurance Company and Reassure Ameri- |) | |
| ca Life Insurance Company), |) | |
| |) | |
| Defendant. |) | |

**PLAINTIFF’S RULE 58(d) MOTION FOR JUDGMENT TO BE SET OUT IN
SEPARATE DOCUMENT**

Plaintiff, Ms. Norma L. Cooke, by her attorneys, Pollack Law Firm and Busse Busse and Grasse’ P.C, request pursuant to Fed. R. Civ. P. 58(d) that judgment be set out in a separate document as required by Rule 58(a), and respectfully states:

The judgment must be re-entered in a separate document because the judgment entered March 20, 2017, (R. 60) was held by the Seventh Circuit to be insufficient for “lack[ing] vital details” because it “bears only the names of the district court’s Clerk of Court and one Deputy Clerk – though Fed. R. Civ. P. 58(b)(2)(B) provides that every judgment other than a simple one on a jury verdict (or one fully in defendant’s favor) must be reviewed and approved by the judge personally.” *Cooke v. Jackson Nat’l Life Ins. Co.*, 882 F.3d 630, 631 (7th Cir. 2018).

Defendant satisfied the judgment for the Policy death benefit of \$191,362.06 plus 10% simple interest, by payment of \$266,648.61 to Plaintiff on August 15, 2017.

The Court entered final judgment on November 19, 2018, awarding costs of \$1,903.50 and attorneys’ fees of \$42,835 plus interest compounded annually at the average annual prime

rate. (R. 107.) The annual average prime rate for 2017 listed by the St. Louis Federal Reserve was 4.10%. ¹ Annual interest in 2017 on the \$42,835 fee is \$1,756.23, but pro-rated to \$1,380.93 ($\$1,756.23 * 287/365$) for the partial year, making \$44,215.93 the principle entering 2018.

There is, however, no annual average yet for 2018. (From January to March 2018 the rate was 4.5%, from March to April 4.58%, from April to June 4.75%, from June to July 4.89%, from July to August 5.0%, from August to September 5.03%, and from September to October 5.5%). For simplicity sake, Plaintiff stipulates to an annual average prime rate for 2018 of 4.5% which should prove slightly less than the final average. This amounts to annual interest on \$44,215.93 of \$1,989.72, but pro-rated to \$1,755.31 ($\$1,989.72 * 323/365$) for the partial year to date of order, making \$45,971.24 the entire award of attorneys' fees plus interest compounded annually at the annual average prime rate.

C. Conclusion

WHEREFORE, Plaintiff Norma L. Cooke prays this Court enter a separate document setting out:

1. Judgment is hereby entered in favor of plaintiff and against defendant in the amount of \$191,362.06, plus 10% per annum simple interest running from September 10, 2013, (which Defendant satisfied in total by payment on August 15, 2017);
2. court costs of \$1,903.50; and
3. attorneys' fees of \$42,835, plus interest compounded annually at the annual average of the prime rate, from March 20, 2017 to November 19, 2018, or \$45,971.24 total.

Respectfully submitted,

/s/ Steven B. Pollack

Steven B. Pollack, IL Bar No. 6290482

¹ <https://fred.stlouisfed.org/series/MPRIME> (must edit graph to show annual average rate)

Pollack Law Firm
49 Sherwood Terrace, Suite 49-X
Lake Bluff, IL 60044
steve@ecoesq.com
Direct: (847) 436-9566 Fax: (888) 491-9566

/s/ Jeffrey S. Marks
Jeffrey S. Marks, IL Bar No.6290132
Busse, Busse & Grassé, P.C.
20 North Wacker, Suite 3518
Chicago, IL 60606
jmarks@bussepc.com
Direct: (312) 784-4815 Fax: (312) 750-1211

Attorneys for Plaintiff Norma L. Cooke